IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 224 of 2005 (S/B)

Dr. Ashwini Kumar Pandey,
S/o Late Sri Shiv Datt Pandey,
Presently posted as Medical Officer Incharge,
Rajkiya Ayurvedic Hospital,
Halduchaur (Nainital). … Petitioner

Versus

1. State of Uttar Pradesh,
through Secretary, Medical Health Department,
Civil Secretariat, U.P. Government, Lucknow.
2. State of Uttaranchal,
through Secretary, Medical Health Department,
Civil Secretariat, Uttaranchal, Dehradun.
3. Director General,
Medical Health and Family Welfare,
Uttaranchal, Dehradun. … Respondents

Mr. Chetan Joshi, Advocate for the petitioner.

Coram: Hon. Cyriac Joseph, C.J.
Hon. J.C.S. Rawat, J.

JUDGMENT

CYRIAC JOSEPH, C.J. (Oral)

1. The petitioner challenges Annexure 7 order dated 30.08.2005 relieving him from the State of Uttaranchal and directing him to report for duty before the Principal Secretary, Medical Education, Government of U.P.

2. It is not disputed that when options were called for from the erstwhile employees of the Government of U.P., the petitioner who was then serving in an area which now forms part of the state of Uttaranchal, had submitted option to remain in the service of the Government of U.P. The option of the petitioner was accepted and the petitioner was allocated to the State of U.P. The petitioner has not challenged the said allocation to the State of U.P. The petitioner has only challenged the relieving order passed on the basis of his allocation to the State of U.P. Since the petitioner had opted for the

State of U.P. and on the basis of such option, he has been allocated to the State of U.P., he cannot have any legal grievance about the impugned relieving order. Though the counsel for the petitioner contended that in 2005 the petitioner had requested for change of option, but it has not been considered, there is no provision for changing the option after the option was accepted and the allocation was made by the Government.

3. Hence, there is no merit in the writ petition and the writ petition is dismissed.

(J.C.S. Rawat, J.) **(Cyriac Joseph, C.J.)**
13.09.2005 **13.09.2005**

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